

JF  
A

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/815,981	04/02/2004	Naoki Minato	OKI 416

23995  
 RABIN & Berdo, PC  
 1101 14TH STREET, NW  
 SUITE 500  
 WASHINGTON, DC 20005

CONFIRMATION NO. 7256  
 FORMALITIES LETTER



\*OC000000014005308\*

Date Mailed: 10/05/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 790 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The application was filed in a language other than English. Applicant is required to provide an English translation of the specification and a statement that the translation is accurate. (See 37 CFR 1.52(d)).
- Applicant must file an English translation of the application, the \$ 130 fee set forth in 37 CFR 1.17(i), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).
- Because your specification was filed in a language other than English, the Office was unable to determine the number of claims submitted. Additional claim fees may be due once the number of claims can be determined.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:

790.00 UP  
 130.00 UP  
 150.00 UP  
 00000082 10815981  
 11/19/2004 ADDFD1  
 01 FC:1001  
 02 FC:1051  
 03 FC:1053

- The drawing figures contain text that is not in English (including, for example, a flow chart that was originally not in English that has been marked up to include the English text) (see 37 CFR 1.84(p)(2) and 37 CFR 1.52(d)(1)). See Figure(s) 1-5.

The following item(s) appear to have been **omitted** from the application:

- Page(s) 35 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes . Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

#### **SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$1050** for a Large Entity

- **\$790** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- **\$130** for English translation surcharge required.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents

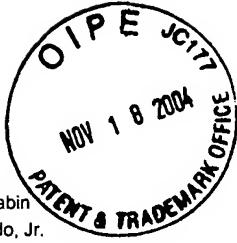
P.O. Box 1450  
Alexandria VA 22313-1450

---

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 2 - COPY TO BE RETURNED WITH RESPONSE



Steven M. Rabin  
Robert H. Berdo, Jr.  
Phillip G. Avruch  
Allen Wood  
Nicholas S. Bromer  
Qixia Zhang, Pat. Agent (China)

## RABIN & BERDO, P.C.

*Specializing in Patent, Trademark  
And Copyright Law*

Suite 500, 1101 14<sup>th</sup> Street, N.W.  
Washington, D.C. 20005  
Tel.: (202) 371-8976 Fax: (202) 408-0924  
E-Mail: firm@rabinchamp.com

*In Affiliation with*  
Weiss, Moy & Harris, PC  
having offices in Arizona and Nevada,  
and in Washington, DC with  
Rabin & Berdo, PC

November 18, 2004

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attorney Docket: **OKI 416**

### **Mail Stop: Missing Parts**

Re: Patent Application of:

Applicant(s) : Naoki MINATO  
Application No. : 10/815,981  
Filed : April 2, 2004

Sir:

In response to the Notice to File Missing Parts dated October 5, 2004, submitted herewith are:

- [ X ] Basic Filing Fee \$790 and Surcharge \$130, totaling \$920.00.
- [ X ] Declaration (3 pg) attached to an English-language specification, claims, abstract, and drawings, in accordance with 37 CFR §1.63.
- [ X ] Submission of Formal Drawings, four sheets of replacement drawings in the English language, FIGS. 1 - 5.

Also submitted:

- [ X ] Recordation Cover Sheet, assignment and recording fee, \$40.
- [ X ] Information Disclosure Statement, PTO-Form 1449, and two references.
- [ X ] Copy of U.S. Patent and Trademark Office notice dated October 5, 2004.

**TOTAL FEE SUBMITTED      \$1,090.00**

Should no remittance be attached, or should any additional fee be required, please charge our Deposit Account No. 18-0002 and advise us accordingly.

Respectfully submitted,

  
Steven M. Rabin  
Registration No. 29,102

November 18, 2004  
Date

SMR:pjl

**FEE ENCLOSED: \$ 1,090.00**  
Please charge any further  
fee to our Deposit Account  
No. 18-0002